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MAR 12 2007

Serial No. 10/689,275

Docket No. NG(ST)6583

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REMARKS

Claims 1-27 are currently pending in the subject application, and are presently under consideration. Claims 1-27 are rejected. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I. Rejection of Claims 1-4, 10-12, 19, 21 and 26 Under 35 U.S.C. §102(e)

Claims 1-4, 10-12, 19, 21 and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0125860 to Tojo, et al. ("Tojo").

Withdrawal of this rejection is respectfully requested for at least the following reasons.

It is respectfully submitted that Tojo is not prior art against the subject application under 35 U.S.C. §102(e) as the invention recited in claims 1-27 was conceived by Ian Robinson and Frank Winter, the inventors of record for the subject application, before the July 23, 2003 filing date. Further, the inventors, assignee, and their representatives were diligent in reducing the invention to practice from at least the July 23 date until the invention was constructively reduced to practice via the filing of the subject application on October 20, 2003.

It is respectfully submitted that the declarations signed by the inventors and the supporting exhibits demonstrate conception of the invention prior to July, 23, 2003, and diligence in reducing the application to practice. Specifically, Exhibit A is an invention disclosure, dated March 16, 2003, that describes the claimed invention in considerable detail. It is respectfully submitted that the invention disclosure, specifically Figure 2 on page 11, and the accompanying text in the first two paragraphs of page 6, provides sufficient support for at least claims 1, 13, 19, and 26 to allow one skilled in the art to practice the claimed invention.

The assignee provided the disclosure to applicants' representatives along with instructions to prepare a patent application, prior to the July 23 filling date of Tojo. Applicants' representatives docketed the application in accordance with standard

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procedures, prepared backlogged cases in chronological order, and then proceeded to complete a draft of the application by October 1, as evidenced by Exhibits B and C. Mr. Robinson reviewed the draft and communicated his changes to the first draft sometime prior to the morning of October 8, when applicants' representatives e-mailed a second draft to him, as evidenced by Exhibit D. The application was finalized in a series of e-mails on October 8, one week after the first draft was completed.

On the afternoon of October 8, formal papers (e.g., a declaration of invention and an assignment) were e-mailed to Mr. Winter in the e-mail provided as Exhibit G, but Mr. Robinson was inadvertently omitted as a recipient of the e-mail. When the mistake was realized on October 14, a new set of formal drawings was sent out in the e-mail provided as Exhibit F. The inventors reviewed the finalized application, signed the formal papers, and mailed them back to applicants' representatives. The signed formal papers were received on or before October 20, 2003, and the application was filed on this date.

It is respectfully submitted that the foregoing demonstrates conception of the invention prior to the filing date of Tojo and diligence from at least the filing date of Tojo to the filing date of the subject application. It is thus requested that the rejection of claims 1-4, 10-12, 19, 21, and 26 in view of Tojo be withdrawn.

II. Rejection of Claims Under 35 U.S.C. §103(a)

Claims 3, 5, 7-9, 13-18, 20, 22-25, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tojo in view of several secondary references. It is respectfully submitted, however, that in light of the above, claims 1, 13, 19, and 26 are allowable over the cited art. Claims 3, 5, 7-9, 14-18, 20, 22-25, and 27 each depend, directly or indirectly, from one of claims 1, 13, 19, and 26, and are allowable for at least the elements of their respective base claims. It is thus respectfully requested that the rejection of claims 3, 5, 7-9, 13-18, 20, 22-25, and 27 under 35 U.S.C. §103(a) be withdrawn.